

REMARKS

After entry of this amendment, claims 1-26 and 29-40 are pending. In the Final Office Action mailed March 10, 2010, claims 1-26 and 29-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Araujo et al., U.S. Patent No. 7,111,060 ("Araujo"). Applicants respectfully traverse this rejection and request reconsideration.

Claims 1-26 and 29-49 are Patentable over Araujo

Applicants respectfully submit that claims 1-26 and 29-40 recite combinations of features not taught or suggested in the cited art. For example, claim 1 recites a combination of features including: "the file server is configured to provide the computer system with access to the data representing the virtual machine on the storage subsystem over the network, wherein the data on the storage system includes the operating system and the application, and wherein the computer system is configured to read the data representing the virtual machine from the storage subsystem through the file server for execution of the virtual machine on the computer system, the data read from the storage subsystem including the operating system and the application."

The Final Office Action asserted, with regard to previous claim 1, that the operating system and application are taught in Fig. 3A and col. 13, lines 57-col. 14, line 12, and that the file server providing access to the virtual machine data on the storage subsystem is taught by the file server 78 and col. 11, line 62-col. 12, line 19. See Final Office Action, page 3, lines 1-11. Applicants respectfully submit that Araujo does not teach or suggest the above highlighted features.

Fig. 3A of Araujo is a block diagram of software 300 that executes within the service enablement platform 200 shown in Fig. 2 (see, e.g., Araujo, col. 13, lines 57-58). Accordingly, the software 300 is not stored on the storage subsystem, nor is access provided to the software 300 through the fileserver 78.

Furthermore, Araujo teaches the following with regard to the servers 70 at col. 11, line 62 to col. 12, line 19: "In doing so, SEP 200 (see FIG. 1) establishes a LAN

connection for the remote user that, as far as that user is concerned, places remote client 10 directly on the LAN. By virtue of such a connection, the remote user can, e.g.: (a) send and receive e-mail through server 76 and manipulate his(her) e-mail stored thereon, (b) **access, through file server 78, all his(her) files**, as well as other shared files, stored on and accessible through LAN 65, (c) **remotely execute, through application server 72, any of his(her) thin-client applications hosted thereon**, as well as through server 74 remotely execute any of his(her) thin-client web-based applications hosted there, with real-time results of each of these operations being displayed in HTML form on browser 15. Application server 72 receives user mouse clicks and keystroke data and provides user screen shot displays through use of MICROSOFT RDP (remote desktop protocol). Web-enabled application server 74 communicates client application information using HTTP. E-mail server 76 utilizes a conventional IMAP4 protocol; while file server 78 communicates user information using MICROSOFT .NET technology Simplified Message Block (SMB) data (to implement MICROSOFT .NET technology-BIOS functionality). Note, that while SMB and IMAP4 were shown here as examples, other protocols such as Novell Netware and the POP3 (Post Office Protocol 3) are usable as well."

Thus, Araujo teaches that all application execution occurs on the application server 72 (on which the operating system and application is installed), and file access occurs on the file server 78. There is no teaching or suggestion that the file server 78 provides access to a storage subsystem that stores the application and operating system used by the application server 72. Furthermore, nothing teaches or suggests that "the computer system is configured to read the data representing the virtual machine from the storage subsystem through the file server for execution of the virtual machine on the computer system, the data read from the storage subsystem including the operating system and the application" as recited in claim 1.

For at least the above stated reasons, Applicants respectfully submit that claim 1 is patentable over the cited art. Claims 2-9 depend from claim 1 and recite additional combinations of features not taught or suggested in the cited art. Claims 10, 14, and 18

recite combinations of features including features similar to those highlighted above. Accordingly, claims 10, 14, and 18 are patentable over the cited art as well. Claims 11-13 and 29-40 depend from claim 10 and recite additional combinations of features not taught or suggested in the cited art. Claims 15-17 depend from claim 14 and recite additional combinations of features not taught or suggested in the cited art. Claims 19-26 depend from claim 18 and recite additional combinations of features not taught or suggested in the cited art.

Restriction Withdrawn

The Final Office Action dated March 10, 2010, withdrew the restriction requirement mailed November 20, 2010. Accordingly, Applicants have returned claims 31-35 to the "previously presented" state in this amendment.

Statement of Substance of Interview

On May 18, 2010, the undersigned and Examiner Ho held a telephonic interview. Proposed claim amendments similar in nature to those made above were discussed. Particularly, amendments to claim 1 were discussed. The prior art was also discussed, including Araujo. Arguments similar to those presented above were discussed, highlighting reasons why the amended claims are patentable over the cited art.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-20000/LJM.

Respectfully submitted,

/Lawrence J. Merkel/

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Date: May 20, 2010